

[1]

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL WRIT PETITION NO.447/07

Nawal Singh **Versus** Suraj Karan & Ors.

DATE OF ORDER :: 03/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Dileep Singh Jadoun, for petitioner

* * *

Instant petition has been filed by petitioner-plaintiff assailing the order dated 3rd November, 2006 whereby the application filed U/08 R.1 CPC has been dismissed by the learned trial Judge.

Petitioner-plaintiff filed a suit for permanent injunction and according to him, service upon defendant Nos.3 & 4 was effected on 3rd June, 2006 and the written statement was filed by the defendant Nos.3 & 4 after expiry of 90 days from the alleged date of service. Thus, plaintiff-petitioner raised objection by filing application U/08 R.1 CPC, but it has been rejected by the learned trial Judge without assigning any sufficient cause. In such circumstances, the same cannot be taken on record.

Learned trial Judge after taking into consideration the material has not found any substance in the application filed by the petitioner U/08 R.1 CPC and dismissed the same vide order impugned dt.03/11/06.

[2]

I have gone through the finding recorded by learned trial Judge and I do not find any infirmity therein.

Consequently, the writ petition fails and is hereby dismissed.

[AJAY RASTOGI], J.

FRBOHRA, JR. P. A.